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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Tuesday, 14 June 2016, at 10 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

Contents

Question of Western Sahara

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The meeting was called to order at 11 a.m.

Question of Western Sahara (A/AC.109/2016/17)

1. **The Chair** informed the Committee that the delegations of Algeria, Angola, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario), Morocco, Namibia, South Africa and Uganda had indicated their wish to participate in the Committee's consideration of the item as observers.

2. **Mr. Rivero Rosario** (Cuba) said that there had been practically no progress towards an effective solution to the dispute in Western Sahara in more than 40 years. The situation of the people in the refugee camps had become unbearable. Cuba reiterated its support for the efforts of the Secretary-General and his Personal Envoy to bring about a political solution acceptable to both sides and called on the Security Council to take the measures available to it to rapidly resolve the dispute and make arrangements to hold the referendum for which the United Nations Mission for the Referendum in Western Sahara (MINURSO) had been established. In that connection, Cuba supported the communiqué on Western Sahara issued by the African Union (AU) in April 2016.

3. The people of Western Sahara could count on the solidarity of Cuba, which for many years had provided medical assistance in the Sahrawi Arab Democratic Republic and had educated Sahrawi students in Cuban universities. Cuba would continue to support a just and definitive solution to the question of Western Sahara, in accordance with the relevant General Assembly and Security Council resolutions.

4. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that, in dealing with the complexity of decolonizing each individual Non-Self Governing Territory, the Committee should bear in mind principle VI in the annex to General Assembly resolution 1541(XV), which acknowledged the need for a case-by-case approach by providing three avenues to full self-government: statehood, free association with an independent State or integration with an independent State. In the case of Western Sahara, the Security Council and the General Assembly had repeatedly recognized the necessity of a political solution that would safeguard the interests of the people themselves. Reiterating his country's support for United Nations-led negotiations and for the good-faith plan by which Morocco had proposed giving broad autonomy to its Saharan region, he called on the parties to the conflict to show willingness to compromise. He welcomed the efforts of the Secretary-General and his Personal Envoy for Western Sahara, as well as Security Council resolution 2285 (2016), which aimed to refocus the discussion. It was important to create the conditions for stronger confidence-building measures so as to narrow the gap between the parties.

5. **Ms. McGuire** (Grenada) said that, as a former colony, Grenada firmly supported the United Nations-led political process based on the Security Council resolutions relating to Western Sahara since 2007, and it encouraged the efforts of the Secretary-General and his Personal Envoy to bring about a just, lasting and mutually acceptable political solution based on realism and a spirit of compromise. Morocco had recently launched a series of multibillion-dollar development projects in the Sahara that would create more than 120,000 jobs. Furthermore, it had made substantial progress on human rights, as recognized by the Security Council in resolution 2285 (2016), and it had cooperated with all the United Nations human rights mechanisms. Grenada stressed the importance of the Security Council's reiterated request for consideration of a refugee registration in the Tindouf refugee camps.

6. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his Government remained deeply concerned about the situation in Western Sahara, the last colony in Africa. The United Nations had a duty to remain intensely involved in ending the deplorable situation there, which had worsened. Although the United Nations had been calling for a referendum on self-determination for 25 years, the Sahrawi people continued to be denied that right. The most recent and perhaps gravest setback was Morocco's decision to expel the civilian staff of MINURSO, and the United Nations must stand firm on its demand that they be allowed to return.

7. The deepening despair and frustration of the Sahrawi people could lead to renewed violence, which would have a devastating impact on the delicate geopolitical balance of the Maghreb. The Committee should send a visiting mission to obtain first-hand information, and the international community should continue to provide assistance to the separated and displaced families.

8. The United Nations remained committed to bringing about the referendum, for which MINURSO

had been established, and the Bolivarian Republic of Venezuela would continue to support the Secretary-General and his Personal Envoy in their efforts to that end.

9. **Mr. Nduhuura** (Observer for Uganda), recalling the history of Western Sahara since its inscription on the list of Non-Self-Governing Territories in 1963, said that the United Nations had failed to assume its responsibility towards the Sahrawi people, who had cooperated loyally and placed their trust in it. Generations later, they were still living in exile in inhospitable refugee camps or divided and brutalized by the illegal Moroccan occupation, while Morocco plundered their natural resources.

10. The United Nations would do well to interact more with the African Union on the decolonization of Western Sahara, as it had a vital role to play in the solution. The African Union had made its position on the question clear on various occasions. During its most recent summit in January 2016, it had called on the General Assembly to set a date for the referendum on self-determination, and he urged the Committee to include that call in its recommendations to the General Assembly.

11. It was more critical than ever for the Special Committee to reframe the discussion on Western Sahara and to complete its decolonization. It should consider an official visit to Western Sahara and the refugee camps in Algeria, as well as a special session on the question of Western Sahara. Uganda looked to the Committee to do what was legally and morally just.

12. **Ms. Scott** (Observer for Namibia) expressed her Government's condolences to the people of the Sahrawi Arab Democratic Republic on the death of Mohamed Abdelaziz, President of the Republic and Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). As a former colony, Namibia remained firmly committed to the right of the people of Western Sahara to self-determination through a fair and free referendum, and supported the Secretary-General's urgent appeals in his report (S/2016/355) for the Security Council to restore the mandated role of MINURSO, thus upholding United Nations peacekeeping standards and impartiality, and for the parties to engage in serious, good-faith negotiations without preconditions. Appealing to the Security Council for action and to the Government of Morocco for cooperation, she called for rapid implementation of all Security Council and General Assembly resolutions advocating a referendum in Western Sahara.

13. **Mr. Hermida Castillo** (Nicaragua) said that the stagnant colonial situation in Western Sahara was a threat to regional peace and urgently required a just, definitive solution. Reitcrating Nicaragua's solidarity with the long struggle of the Sahrawi people for national liberation, he urged his brothers in the Sahrawi Arab Democratic Republic and Morocco to intensify negotiations on a settlement plan that provided for a referendum on self-determination.

14. **Mr. Woldegerima** (Ethiopia) said that his country fully supported the many resolutions of the African Union and the United Nations calling for a just, lasting and mutually acceptable solution that provided for the self-determination of the people of Western Sahara. It urged renewed efforts to reinvigorate the negotiation process on the basis of those resolutions.

15. **Mr. Mminele** (Observer for South Africa), expressing deep condolences to the people of Western Sahara on the death of President Mohamed Abdelaziz, said that the Committee should honour his memory by fully implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples. South Africa remained committed to a negotiation process led by the United Nations with the support of the African Union. Morocco was an occupying Power according to both the General Assembly and the International Court of Justice, and the United Nations should enforce the Sahrawi people's right to self-determination by implementing the related United Nations and African Union decisions without further delay.

16. Commending the Secretary-General for his visit to the region in March 2016, South Africa regretted that he had not been permitted to visit either Rabat or the headquarters of MINURSO in Laayoune and that the Security Council had failed to respond firmly and decisively to Morocco's expulsion of the MINURSO civilian personnel, which jeopardized the Mission.

17. South Africa condemned Morocco's repeated hosting of international conferences in occupied Western Sahara and its exploitation of the Territory's mineral resources, over which it had no sovereignty. It was also deeply concerned about the worsening

humanitarian situation in the refugee camps, which was due in part to reduced funding.

18. **Mr. Duberry** (Antigua and Barbuda) said that his delegation supported the Security Council's call for a mutually acceptable political solution in Western Sahara and urged both sides to comply with its resolutions. Noting the draft conclusions and recommendations of the 2016 Pacific Regional Seminar relating to the implementation of the Third International Decade for the Eradication of Colonialism, he said that his delegation would continue to work to ensure smooth negotiations over Western Sahara. The Moroccan autonomy plan constituted a serious effort to end the dispute, and he appealed to all parties to show continued political will and promote an atmosphere of dialogue on all crucial issues. He also called on them to address the situation in the refugee camps in accordance with international refugee law and the guidelines adopted at the recent World Humanitarian Summit.

19. **Ms. Mwingira** (United Republic of Tanzania) commended the thoughtful report of the Secretary-General on the situation concerning Western Sahara (S/2016/355) and agreed with him on the urgency of moving beyond the status quo. The Frente Polisario and Morocco should engage in direct negotiations without preconditions and in good faith, as recommended by the African Union Peace and Security Council. Morocco would do well to cooperate with the African Union, and also with the AU staff assigned to MINURSO.

20. **Ms. Pereira Sotomayor** (Ecuador), expressing deep concern about the longstanding violation of the right of the people of Western Sahara to self-determination and the illegal exploitation of their natural resources, urged Morocco and the Frente Polisario to comply with the United Nations settlement plan calling for a self-determination referendum — to which both parties had agreed years earlier — and with Security Council resolution 690 (1991) establishing MINURSO to oversee the process. Efforts to carry out the referendum should be stepped up, and human rights monitoring should be added to the MINURSO mandate. Despite slow progress, her country remained hopeful that the Security Council would enforce its decisions and that MINURSO would implement the referendum.

21. **Mr. Gaspar Martins** (Observer for Angola) expressed his Government's condolences on the death of Sahrawi President Mohamed Abdelaziz. A colony for more than five centuries, Angola understood the hardship of colonial rule and the importance of the solidarity and support of friendly countries and international partners. It encouraged the efforts of the Committee and, especially, the Secretary-General to bring about a referendum in Western Sahara, and urged the parties to continue negotiations under the auspices of the United Nations so as to hasten the Sahrawi people's long-delayed enjoyment of self-determination.

22. Heavy rains in October 2015 had devastated the Tindouf refugee camps, worsening the impact of the continued decline in humanitarian aid on the already severe living conditions. Angola recognized the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and urged MINURSO to give greater attention to monitoring the human rights situation in the camps.

23. Angola would continue to support all United Nations efforts to bring about a referendum, which was urgently needed to counter the frustrated hopes that could cause an outbreak of massive armed conflict in the region. It urged Morocco to allow the civilian personnel of MINURSO to return so that it could carry out its mandate effectively.

24. **Mr. Hilale** (Observer for Morocco) said that although the French Protectorate had ended in 1956, Morocco had not emerged fully from colonialism until 1975, with its recovery of Moroccan Sahara under the terms of the Madrid Accord. It was at the instigation of Morocco that Western Sahara had been added to the list of Non-Self-Governing Territories in 1963, where it had unfortunately remained, owing to Cold War-era rivalries and Algeria's hegemonic designs.

25. The 1991 United Nations settlement plan had proved impossible to implement because the parties had been unable to agree on the electorate for the referendum, and the Baker plans put forward by the then Personal Envoy of the United Nations Secretary-General for Western Sahara had also come to nought. Since 2004, the Security Council — the only United Nations body authorized under the Charter to settle international disputes — had been calling only for a mutually acceptable political solution. In response to that appeal, Morocco in 2007 had submitted an initiative for negotiating an autonomy statute for the

Sahara region as a compromise solution. The proposed statute was based on several years of consultation at the local regional, national and international levels and complied fully with the principles of the Charter of the United Nations and international standards of self-governance. Moreover, it remained open to negotiation and would be subject to approval by the populations concerned.

26. The Moroccan autonomy proposal was the basis of the ongoing political process led by the Secretary-General and his current Personal Envoy. Since resolution 1754 (2007), the Security Council had abandoned all references to a referendum, calling only for a mutually acceptable political solution and commending the Moroccan initiative.

27. In 2015, the people of Moroccan Sahara had joined in celebrating the fortieth anniversary of the "Green March" that had confirmed the southern provinces as part of Morocco. Their enthusiastic welcome for the King of Morocco on that occasion in 2015 had demonstrated their continued allegiance to the Alawite throne, recognized in the 1975 advisory opinion of the International Court of Justice. During his visit, the King had launched a new model for the development of the Saharan provinces, mobilizing almost $8 billion to promote integrated, sustainable development based on local control. Earlier in the year, representatives had been elected to regional councils with important constitutional and legal powers and dedicated financial and human resources. More than three-quarters of the electorate of the southern provinces had voted in free and fair elections, as confirmed by MINURSO and thousands of foreign observers.

28. Conditions in the Tindouf camps were quite different. Unlike any other refugee camp population, the people in the camps were unregistered, in violation of repeated Security Council and General Assembly recommendations. Both the Office of the United Nations High Commissioner for Refugees and the host country had a duty to register the camp inhabitants. Moreover, a recent European Anti-Fraud Office report, confirmed by UNHCR investigations, revealed that Algeria and the Frente Polisario had been embezzling humanitarian aid for decades.

29. His Government's initiative was proof of Morocco's determination to end the regional dispute. It was time for the other parties to marshal the political will to focus the negotiations on that proposal. The status quo did not serve the aspirations for development of the peoples of the Arab Maghreb Union.

30. **Mr. Boukadoum** (Observer for Algeria) said that Algeria was more committed than ever to the mandate of the Special Committee. The right to self-determination was a basic principle of the Charter and a human right under the core human rights instruments. As the foundation of the Committee's mandate, it should remain the focus of its work. The United Nations had a responsibility to ensure the exercise of that right, which was critical to resolving the dispute between the Frente Polisario and Morocco. Yet, after more than 40 years, and despite the advisory opinion of the International Court of Justice and the many Security Council and General Assembly resolutions calling for the Sahrawi people to be allowed to decide their own fate, it had not brought about a referendum.

31. He supported the proposed visiting mission by the Committee to Western Sahara. As for Morocco's exploitation of natural resources in the Territory, the African Union Legal Counsel, the European Union Court of Justice and the United Nations Secretary-General unanimously considered it illegal. Algeria welcomed the African Union's high level of commitment to self-determination in Western Sahara, including in particular its dispatch of the AU Special Envoy for Western Sahara, the position taken by the Peace and Security Council and the initiatives of the Chairperson of the African Union Commission.

32. The two parties had a duty to abide by the rules to which they had agreed. The African Union, the Security Council and the General Assembly were the sole referees in the dispute. Especially in view of the impact that conflict in Western Sahara would have on the stability of the region, it was important to support the efforts of the Secretary-General, his Personal Envoy and his Special Representative. The Saharan people must be allowed to choose the future they wanted.

33. **The Chair** invited the observer for the Frente Polisario to speak on behalf of Western Sahara.

34. **Mr. Hilale** (Observer for Morocco), speaking on a point of order, said that the Chair could not invite the observer for the Frente Polisario to speak and could not say that he represented Western Sahara. To speak, the observer needed to have submitted a formal request for

hearing in accordance with the rules and the precedent of the Committee, which he would illustrate by reading from its annual reports.

35. **The Chair**, declining to grant permission for such an unwarranted reading, said that the entire Bureau had agreed to hear the observer for the Frente Polisario, who was customarily invited to address the Committee on the question of Western Sahara. The issue of representation had already been discussed and settled, as indicated at the previous meeting. He would not allow the observer for Morocco, an occupying Power and not a member of the Committee, to interfere with the Committee's work. He instructed all participants except the members of the Bureau to leave the room.

36. **Mr. Hilale** (Observer for Morocco), observing that the Chair was presiding over the Committee as if he were still in the Bolivarian Republic of Venezuela, said that he was flouting the Charter of the United Nations and the rules and practice of the General Assembly.

The meeting was suspended at 12.50 p.m. and resumed at 1.10 p.m.

The meeting rose at 1.10 p.m.